

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES CENTOBENE,

No. C 08-2708 WHA (PR)

Plaintiff,

**ORDER OF TRANSFER**

v.

ARNOLD SCHWARZENEGGER,  
Governor, State of California; JAMES  
TILTON, Secretary, Department of  
Corrections and Rehabilitation; SCOTT  
KERNAN, Director, Division of Adult  
Institutions, Department of Corrections  
and Rehabilitation; TERRI McDONALD,  
Chief Deputy Administrator, California  
Out-of-State Correctional Facilities Unit,  
Department of Corrections and  
Rehabilitation; BEN CURRY, Warden,  
Correctional Training Facility; and DOES  
1 through 5,

Defendants.


This is a civil rights case brought pro se by a state prisoner. Plaintiff alleges that he is being considered for transfer to an out-of-state prison pursuant to a Department of Corrections and Rehabilitation program conceived and implemented by Defendants Schwarzenegger, Tilton, Kernan, and McDonald, all of whom work in Sacramento, which is in the venue of the United States District Court for the Eastern District of California, and who appear to reside there. Plaintiff also alleges that the one defendant who is in this district, Warden Ben Curry, "lacks the authority to grant my legal challenges to a program which the Governor and State Legislature have approved . . . ." (Pet. at 8) It therefore appears unlikely he has stated a claim against

Curry.

In view of the above, it is clear that the center of gravity of this case challenging the program is in the Eastern District, not here. This case therefore is **TRANSFERRED** to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1404(a). In view of the transfer, the Court will not rule upon plaintiff's pending motions.

**IT IS SO ORDERED.**

Dated: August 1, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

**United States District Court**  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAMES CENTOBENE,  
Plaintiff,

Case Number: CV08-02708 WHA

**CERTIFICATE OF SERVICE**

v.

ARNOLD SCHWARZENEGGER et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 1, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Centobene  
J-17051/ RB-201L  
Correctional Training Facility  
PO Box 705  
Soledad, CA 93960-0705

Dated: August 1, 2008

Richard W. Wieking, Clerk  
By: D. Toland, Deputy Clerk